

BEST ET AL. - Application No. 10/705,218
Attorney Docket: 081468-0306625

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REMARKS

By this Amendment, claims 1, 5, 8, 10, 12, 15-17, 19 and 21-24 are amended without any intention of narrowing the scope of any of the claims. Claims 4, 7, 9, 11, 14 and 18 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue any deleted or cancelled subject matter in a continuing application. New dependent claims 28-32 have been added, each of which find support in the application as original filed. Accordingly, after entry of this Amendment, claims 1-3, 5, 6, 8, 10, 12, 13, 15-17 and 19-32 will be pending in the patent application. Reconsideration and the timely allowance of the pending claims are respectfully requested.

Claims 12 and 16 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses.

Without acceding to the merits of the rejection and merely to expedite prosecution, claims 12 and 16 have been amended to further recite the invention. Accordingly, Applicant submits that the rejection of claims 12 and 16 is now moot.

Reconsideration and withdrawal of the rejection of claims 12 and 16 under U.S.C. §112 are respectfully requested.

Claims 4, 7, 9, 11, 14 and 18 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Houston '173 (U.S. Patent No. 5,436,173). The rejection is respectfully traversed.

Without acceding to the merits of the rejection and merely to expedite prosecution, claims 4, 7, 9, 11, 14 and 18 have been cancelled without prejudice or disclaimer. The rejection of those claims is now moot.

Accordingly, reconsideration and withdrawal of the rejection of claims 4, 7, 9, 11, 14 and 18 under U.S.C. §102(b) as allegedly being anticipated by Houston '173 are respectfully requested.

New claims 28-32 are dependent from allowable claim 19 and thus are patentable at least for the same reasons that claim 19 is allowable, and for the additional features recited therein. Each of claims 28-32 find support in the application as originally filed. For example,

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claim 28 corresponds substantially to allowable claim 3, claim 29 corresponds substantially to allowable claim 6, claim 30 corresponds substantially to allowable claim 15, claim 31 corresponds substantially to claim 16, which is submitted to be allowable as set forth above, and claim 32 corresponds substantially to allowable claim 27.

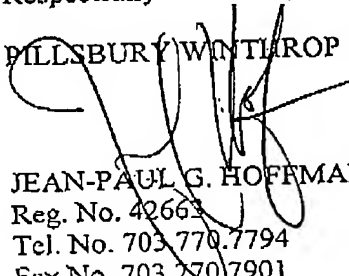
All matters having been addressed and in view of the foregoing, Applicant respectfully requests reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' representative remains ready to assist in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue in which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, under Order No. 081468-0306625. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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